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Applicant: CORBETT

International Application No.: PCT/GB2004/000003

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Title: POLYTUNNEL SYSTEM

Attorney Docket No.: ARD128USA

Group Art Unit/Examiner: 3643 – Willie Wendell Berry, Jr.

DECLARATION OF THOMAS CORBETT UNDER 37 C.F.R. 1.132

I, Thomas Robert Corbett, declare as follows:

1. I reside at St. Johns House, Westhope, Herefordshire, HR4 8BU (GB), and make this Declaration based on my personal knowledge.
2. I am the sole inventor named in the above-identified application and I make this declaration in support of the application.
3. I am personally knowledgeable in the art of designing, making and using apparatus and methods in the field of the application invention, Peleg, (US Patent 4,837,990) and Durham (US Patent 3,162,920). My background qualifications in the field of the application invention are as follows:
 - a. I have a Bachelor of Engineering Honours Degree in Engineering with Business Studies, which I received in 1994 from Sheffield Hallam University; and

- b. I have been employed substantially continuously and exclusively in field of designing, testing and making polytunnel and related devices since approximately July 2001.

4. Pending claim 1 of the application is directed to a polytunnel system (10) which specifically includes:

- (a) brackets (22) movably secured to legs (12), and
- (b) movable rope anchorage points (22) on the brackets, which
- (c) cooperate to permit polytunnel height adjustment with a cover in situ.

Neither the cover nor the ropes need to be removed or adjusted to change height. As explained in the application, this is beneficial for ease and speed of adjustment as the growing season progresses to minimize heating costs and the risk of wind damage.

5. I carefully read and understand PELEG (POLY-SHELTER). Firstly, does not expressly disclose any height adjustability, and particularly not *in situ* adjustment. Peleg does disclose brackets (stubs 10) disposed at the tops of legs (poles 2). And the brackets have a leg portion (12) which telescopically fits in the poles. However, Peleg expressly states that this arrangement is for "facilitat[ing] the levelling of the roof or covering of the structure when erected on an uneven terrain..." (column 3, lines 31-33). Secondly, I believe that the Peleg device would not be capable of being adjusted *in situ* because the overlapping portions of adjacent laterally oriented cover strips (6) (col. 3, lines 11-20, and best shown in Fig. 7) would be pulled apart and form gaps if height adjustment was attempted after set up. The Peleg device is assembled by first erecting arched bars (4) in level rows and then laterally spreading the cover strips over the bars in the plane of the bars (col. 2, lines 11-26). *In situ* height changing along the longitudinal axis of the tunnels would tend to destroy the laterally oriented overlap sections.

6. I also carefully read and understand DURHAM (TARPAULIN COVER WITH REMOVABLE GROMMET). Durham shows line 12 anchoring grommets tabs 20 connectable to a tarp 10. **Firstly**, there are substantial differences between these line tabs and my line anchors. The tabs are connected to the tarp instead of its legs 16. My anchors are attached to legs. Although the tabs are said to be removable by Durham, they are not truly adjustable. The tabs are secured by adhesive 30 "having great adhesive strength so as to adhere strongly to the cover sheet 10" (col. 3, lines 32-33). By removal, Durham means in the event of tearing of the grommet 28 a new tab can be reinstalled (col. 3, lines 45-50). **Secondly**, I do not believe it would be obvious to a skilled worker to add these line anchors to the frame of Peleg. Peleg holds covers 6 to the frame by clamped tubes 18. There is no need whatsoever for lines, particularly lines attached to the ground as in Durham. My invention requires lines, and particularly lines attached to the legs so as to be adjustable *in situ*.

7. In summary, based on the substantial structural and functional differences between the application invention and disclosed devices in the Peleg and Durham patents, and the level of ordinary skill in the art, I believe that claim 1 would not be obvious over Peleg in view of Durham.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Thomas Robert Corbett

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Date: 15th OCTOBER 2007